

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CORESLAB STRUCTURES (TULSA)  
INC.,**

**RESPONDENT,**

**CASES: 14-CA-248354  
14-CA-248812**

**AND**

**INTERNATIONAL UNION OF  
OPERATING ENGINEERS LOCAL 627,  
AFL-CIO**

**CHARGING PARTY.**

**CORESLAB’S CORRECTED SECOND REQUEST FOR AN EXTENSION OF TIME TO  
FILE EXCEPTIONS AND A SUPPORTING BRIEF**

Comes now CORESLAB STRUCTURES (TULSA) INC. (hereinafter “Respondent”), by its attorneys and, pursuant to § 102.46 of the National Labor Relations Board’s Rules and Regulations, requests a 7-day extension to file Exceptions and a supporting brief to the Administrative Law Judge’s February 11, 2021, decision – from April 12, 2021, to and including April 19, 2021, – and, in support thereof, states as follows:

1. This matter was submitted to Administrative Law Judge Robert A. Ringler (“ALJ Ringler”).
2. Respondent, and Counsel for the Acting General Counsel, offered, and ALJ Ringler admitted, numerous Exhibits totaling more than six hundred fifty (650) pages.
3. On February 11, 2021, ALJ Ringler issued his written decision totaling approximately nineteen (19) pages.
4. On February 25, 2021, our law firm was retained to represent Respondent in filing exceptions and supporting brief relating to this case. That same day, Respondent’s counsel

from the proceedings with ALJ Ringler transferred the record to Respondent's undersigned counsel.

5. On March 15, 2021, the undersigned was lead counsel on unrelated NLRB case, number 16-CA-264520. Attached as **Exhibit A** please find a copy of the Complaint and Scheduling Order. Unexpectedly and after a recess, the hearing in that case did not conclude until March 30, 2021, after a total of four days of hearing. This unexpected change prevented the undersigned from making additional progress in preparation for Respondent's Exceptions and supporting brief in the present matter.

6. The undersigned respectfully requests additional time to prepare Respondent's Exceptions and supporting brief. Additional time will also allow Respondent to further develop its Exceptions and supporting brief that will help the NLRB make a determination in this case.

7. The requested extension is for good cause, and is needed due to the complexity of the issues involved and counsel's schedule during the briefing period. Further, the requested extension does not tangibly prejudice the Acting General Counsel or Charging Party.

8. Counsel for Respondent has contacted Counsel for the Acting General Counsel and outlined Respondent's intention to seek an extension to April 19, 2021 to file Exceptions and a supporting brief. William F. LeMaster, Counsel for the Acting General Counsel, responded that the Region does object to any request in addition to Respondent's initial request for a 30-day extension.

9. Counsel for Respondent has contacted Counsel for the Charging Party and outlined Respondent's intention to seek an extension to April 19, 2021 to file Exceptions and a supporting brief. George Miles, Counsel for Charging Party, responded that he does object to Respondent's communication about its intent to seek an extension to April 19, 2021, to file Exceptions and a supporting brief.

10. For the foregoing reasons, Respondent respectfully requests an extension of time – from April 12, 2021, until and including April 19, 2021, – for the purpose of filing Exceptions and a supporting brief to ALJ Ringler’s decision with the Board.

DATED: April 2, 2021

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

By: /s/ Bindu R. Gross

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**Attorneys for Respondent**

\* Currently licensed in Pennsylvania and West Virginia only; practice limited exclusively to federal labor and workplace safety law.

# **EXHIBIT A**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 16**

**LASALLE SOUTHWEST CORRECTIONS**

**and**

**Case 16-CA-264520**

**FEDERAL CONTRACT GUARDS OF AMERICA**

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 23, 2020, I served the above-entitled document(s) by, as noted below, upon the following persons, addressed to them *by e-Issuance* at the following addresses:

Bindu R. Gross, Esquire  
Ogletree, Deakins, Nash, Smoak & Stewart,  
P.C.  
8117 Preston Road, Suite 500  
Dallas, TX 75225-6332  
*by e-Issuance:* [bindu.gross@ogletree.com](mailto:bindu.gross@ogletree.com)

Kim Nguyen, Vice President/Legal Counsel  
Federal Contract Guards of America  
445 Park Ave.  
New York, NY 10022  
*by e-Issuance:* [knguyen@fcgoa.com](mailto:knguyen@fcgoa.com)

December 23, 2020

\_\_\_\_\_  
Date

Kari Kolb, Designated Agent of NLRB

\_\_\_\_\_  
Name

/s/Kari Kolb

\_\_\_\_\_  
Signature

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**

**LASALLE SOUTHWEST CORRECTIONS**

**and**

**Case 16-CA-264520**

**FEDERAL CONTRACT GUARDS OF AMERICA**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by FEDERAL CONTRACT GUARDS OF AMERICA (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that LASALLE SOUTHWEST CORRECTIONS (Respondent) has violated the Act as described below.

**1.**

The charge in this proceeding was filed by the Charging Party on August 12, 2020, and a copy was served on Respondent by U.S. mail on the same day.

**2.**

(a) At all material times, the Employer, LaSalle Southwest Corrections, has been a corporation with its headquarters in Louisiana and has been engaged in the business of operating prisons and correctional facilities, including the Prairieland Detention Center facility, Alvarado, Texas, the only facility involved herein.

(b) The Employer operates the Prairieland Detention Center facility on behalf of United States Immigration and Customs Enforcement, a division of the United States government.

(c) During the last twelve months, a representative period, the Employer in the course and conduct of its business performed services for the United States government valued in excess of \$50,000, and purchased and received at its Alvarado facility goods and services valued in excess of \$5,000 directly from enterprises located outside the State of Texas.

(d) Based on its operations described above, the Employer derives substantial amounts of revenue from Federal funds.

(e) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

### **3.**

(a) The Charging Party is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, and terms and conditions of employment.

(b) At all material times, based on the facts described above in paragraph 3(a), the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.

### **4.**

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Rodriguez	Lieutenant
Ryan	Lieutenant
Clark	Chief

### **5.**

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

**Included:** All full-time and regular part-time armed and unarmed detention officers who perform guard duties as defined in Section 9(b)(3) of the Act who are employed by the Employer at the Prairieland Detention Center located at 1209 Sunflower Lane, Alvarado, Texas.

**Excluded:** All other employees, including administrative and clerical employees, professionals, managers and supervisors as defined by the Act.

(b) On January 27, 2020, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(c) At all times since January 27, 2020, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

## 6.

(a) In about July 2020, Respondent stopped its practice of paying employees for time spent on break.

(b) The subject set forth above in paragraph 6(a) relates to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(c) Respondent engaged in the conduct described above in paragraph 6(a) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct.

## 7.

By the conduct described above in paragraph 6, Respondent has been failing and refusing to bargain collectively, and in good faith, with the exclusive collective-bargaining representative of its employees, within the meaning of Section 8(d) of the Act, in violation of Section 8(a)(5) and (1) of the Act.



**8.**

The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer **must be filed electronically with this office on or before January 6, 2020.** Respondent should also serve a copy of the answer on each of the other parties.

An answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the

required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **March 15, 2021 at 9:00 a.m.** and on consecutive days thereafter until concluded, a hearing will be conducted via videoconference or other manner to be determined before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

**DATED** at Fort Worth, Texas this 23<sup>rd</sup> day of December, 2020.

/s/ David A. Foley

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DAVID A. FOLEY  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 16  
819 TAYLOR STREET, ROOM 8A24  
FORT WORTH, TX 76102-6107

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 16-CA-264520

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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## Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: [www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules\\_and\\_regs\\_part\\_102.pdf](http://www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf).

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at [www.nlr.gov](http://www.nlr.gov), click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

**Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement.** The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

### I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

### II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

### III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 2nd day of April 2021, the foregoing pleading,  
**CORES LAB'S CORRECTED REQUEST FOR AN EXTENSION OF TIME TO FILE  
EXCEPTIONS AND A SUPPORTING BRIEF**, was filed by electronic filing with:

Executive Secretary  
National Labor Relations Board  
1099 14<sup>th</sup> Street N.W.  
Washington, DC 20570

and served by e-mail upon:

William F. LeMaster  
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/s/ Bindu R. Gross  
Bindu R. Gross

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